

**PATENT**/Docket No. PC29956A

Appl. No. 09/500,246

Filing Date: 02/08/2000

Amdt. dated January 29, 2007

Reply to Office action of September 29, 2006

**REMARKS/ARGUMENTS**

**35 USC § 103(a) Cady et al. (US 6,498,153) in view of Okada et al. (US 4,652,441), Babcock et al. (US 3,417,182 Montgomery et al, Grimm (US 5,522,797) and Remington's Pharmaceutical Sciences (17<sup>th</sup> Edition, 1985)**

Applicants' invention relates to a melengesterol containing implantable composition comprising slow release components and a normal release component. The normal release component contains a disintegrating agent. Cady et al. relates to implantable compositions, one composition is a standard release formulation, and the other provides release over an extended period. Cady does not disclose melengesterol acetate. Thus, one of the key components of applicants' invention is not disclosed or suggested by Cady. Okada et al. relates to a prolonged release microcapsule of a water soluble drug and a method for producing such a microcapsule. Babcock et al. relates to steroid pharmaceutical compositions. Montgomery et al. relates to the use of melengestrol acetate, trenbolone acetate, and estradiol benzoate in the feeding of heifers for beef production. Montgomery provides no information as to the formulation used in the experiment, and accordingly does not disclose or suggest that melengestrol acetate could be used in a delayed release composition. Grimm relates to a pellet implanter that may be used to implant a medicinal pellet in an animal. The pellet implanter does not implant two types of pellets, and accordingly would not be useful in practicing applicants' invention. Remington's discloses that smaller particles dissolve more quickly than larger particles. However, Applicant respectfully submits that none of these references taken individually or together disclose Applicants' invention of a melengesterol containing an implantable composition comprising a slow release component and a normal release component. Reconsideration and withdrawal of this rejection under 35 USC § 103(a) is respectfully requested.

**35 USC § 103(a) Chung et al. (US 2002/01105988) in view of Cady et al (US 6,498,153) in view of Okada et al. (US 4,652,441), Babcock et al. (US 3,417,182 Montgomery et al, Grimm (US 5,522,797) and Remington's Pharmaceutical Sciences (17<sup>th</sup> Edition, 1985)**

Chung et al. relates to an injectable formulation containing regular release and controlled release pellets. Chung et al. does not teach pellets containing melengestrol. Applicants respectfully suggest that

FORM AMEND  
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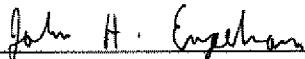
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Chung et al. does not disclose or suggest applicants' invention of a melengesterol containing implantable composition comprising slow release components and a normal release component. As set forth above, Cady et al (US 6,498,153) Okada et al. (US 4,652,441), Babcock et al. (US 3,417,182 Montgomery et al, Grimm (US 5,522,797) and Remington's Pharmaceutical Sciences (17<sup>th</sup> Edition, 1985) individually or in combination do not suggest Applicant's invention. Applicants respectfully suggest that Chung et al. does not enhance the teaching of Chung with Cady et al (US 6,498,153) Okada et al. (US 4,652,441), Babcock et al. (US 3,417,182) Montgomery et al, Grimm (US 5,522,797) and Remington's Pharmaceutical Sciences (17<sup>th</sup> Edition, 1985) by providing a further suggestion of Applicants' invention of a melengesterol containing an implantable composition comprising a slow release component and a normal release component. Reconsideration and withdrawal of this rejection under 35 USC § 103(a) is respectfully requested.

Prompt and favorable consideration of this application and allowance thereof is respectfully requested. If the Examiner believes that personal communications will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Respectfully submitted,



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